

Liber FF off by the Court and alsoe by the p<sup>ft</sup> the defendant doth now deliuer into Court his plea as followeth

And the said Francis Gunby by Thomas Carleton his Attorney cometh and defendeth the force and injury when &<sup>c</sup>: and saith att the time hee gaue the said Bill to the said Peternella Chiuers that hee was then a seruant upon Indenture which hee is ready to auerre therefore hee desires the benifitt of the Act of Assembly

Tho: Carleton Attorney

[p. 768] And the said Peternella doth say that the plea by the s<sup>d</sup> Francis in Barre pleaded is not sufficient in law to be replied unto neither is she bound by the law of the land to reply thereunto therefore she prayeth Judgm<sup>t</sup> ag<sup>t</sup> the said Francis for her said debt for want of a sufficient plea to her to be adjudged

Dañ: Jenifer

The defend<sup>ts</sup> Attorney not Joyning in demurrer in due time The said Francis Gunby doth come into Court and in proper person doth Confess Judgm<sup>t</sup> to the p<sup>ft</sup> for the said sūme of Three Thowsand Fiue hundred pounds of tobaccoe, But the plaintiffe desireing it might bee done by an Attorney of this Court whereupon the defend<sup>t</sup> giuen a warr<sup>t</sup> of Attorney to Thō Nottley gen<sup>t</sup> one other Attorney of this Court to Confess Judgm<sup>t</sup> for him for the said sūme of Three Thousand Fiue hundred pounds of tobaccoe, the which hee doth in these words following

And the said Francis Gunby by Tho: Nottley his Attorney cometh & defendeth the force and Injury when &<sup>c</sup>: and as to the three thousand Fiue hundred pounds of tobacco in the declaracōn menconed the said Thomas saith hee is not informed by the said Francis his Clyent of any Answer thereunto to giue therefore the said Francis doth remaine ags<sup>t</sup> her the said Peternella as to the said sūme of Three Thowsand Fiue hundred pounds of tobaccoe undefended

Thomas Nottley

Therefore it is Ordred by the Court here that the said Peternella Chiuers recouer of the said Francis Gunby the said sūme of Fiue Thowsand Fiue hundred pounds of tobaccoe and Cask w<sup>th</sup> Costs

William Caluert Esq<sup>p</sup> Guardian to the Orphant of Nicholas Keyton Complaineth to the Court that whereas Bryan Dayley who married the Relict of the said Nic<sup>o</sup> Keyton by which meanes hee came possest of the full Estate of the s<sup>d</sup> Nic<sup>o</sup> and now refuse to deliuer up the same to the said William Caluert for the use of the Orphant

Opinion of the Court that as hee has been Executor in his owne wrong by medling w<sup>th</sup> and disposing of some part of the said Estate without lawfull power, that therefore hee ought to bee Accomptable for what Estate soeuer was left by the said Nic<sup>o</sup> Keyton and that came to his hands by intermarrying w<sup>th</sup> his Relict, The Court Con-